

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Maryann T. Puglielli on October 29, 2008.

The application has been amended as follows:

In claim 1, line 1, the term "composition" has been deleted and the term ---method--- has been inserted therefor. In line 2, after the term "comprising", the text ---applying to the skin a composition comprising--- has been inserted.

In the first line of claims 4, 5, 8, 11, 12, 13 and 14, the term "composition" has been deleted and the term ---method--- has been inserted therefor.

Claims 15-16 and 18 have been canceled.

### ***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance: Gil et al. US 5,066,500 (Gil) is the closest prior art. Gil teaches compositions of infant formulas and clinical nutrition products enriched with nucleosides and/or nucleotides having enhanced physiological properties; however, Gil does not teach or suggest using said compositions for promoting collagen production by applying the composition to the skin.

The examiner acknowledges that applicants do not agree that Gil renders the previously prosecuted composition claims unpatentable, but have agreed to the Examiner's Amendment solely to advance prosecution and expedite allowance of the allowed method claims. Applicants reserve the right to pursue any canceled subject matter and to address Gil in a future continuation application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick T. Lewis whose telephone number is 571-272-0655. The examiner can normally be reached on Monday - Friday 10 am to 3 pm (Maxi Flex).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dr. Patrick T. Lewis/  
Primary Examiner, Art Unit 1623

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